

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - ATLANTA

MAR 15 2004

LUTHER J. [unclear], Clerk
By: *J. Puckett* Deputy Clerk

LARRY WHISTLER
a/k/a LARRY ZBYSZKO
a/k/a THE LIVING LEGEND,
an individual,

Plaintiff,

vs.

WORLD WRESTLING
ENTERTAINMENT, INC., a Delaware
corporation,

Defendants.

Civil Action No. 1 02-CV-1008-CC

MOTION FOR LEAVE TO EXCEED 15-PAGE LIMIT BY
WORLD WRESTLING ENTERTAINMENT, INC.

Defendant World Wrestling Entertainment, Inc. ("WWE"), pursuant to Local Rule 7.1, hereby requests leave to exceed the page limitations in connection with its Reply in Support of Motion for Summary Judgment, filed in this Court on March 15, 2004. In support thereof, WWE states as follows:

As was demonstrated in connection with Defendant's Motion for Summary Judgment briefing, the Defendant's Motion for Summary Judgment presents two distinct grounds for summary judgment. First, the Defendant has moved for summary judgment on the merits of the case based upon the legally complex Federal trademark issues. Second, on the eve of the Summary Judgment motion,

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Defendant learned that the Plaintiff had been through a no-asset bankruptcy and obtained discharge during the course of this lawsuit without disclosing to the bankruptcy court the Plaintiff's alleged valuable asset at issue in this litigation – Plaintiff's alleged trademark rights.

Accordingly, the Defendant filed two separate summary judgment briefs, one on the trademark issues and one on the grounds of judicial estoppel, and the Court granted the Defendant's motion to exceed the page limit for that purpose, granting the Defendant the right to file a 25-page brief on the trademark issues and a 10-page brief on the judicial estoppel basis. Likewise, the Court granted the Plaintiff's request for a like number of pages in responding to the summary judgment motion.

In order to fully address the issues raised in the motion and response, the Defendant respectfully submits that it needs 16 pages on the trademark issues and 12 pages on the judicial estoppel issues. Accordingly, the Defendant respectfully requests that the Court grant this motion to exceed the page limit for replies. For the Court's convenience, a draft Order is attached hereto.

Respectfully submitted,



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Attorneys for Defendant
World Wrestling Entertainment, Inc.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

Defendant hereby certifies that the foregoing Motion for Leave to Exceed 25-Page Limit has been prepared in compliance with Local Rule 7.1(D) and using Times New Roman font in 14 point type.

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ORDER

AND NOW this ___ day of March 2004, it is hereby ORDERED that Defendant WWE's Motion of Leave to Exceed 15-Page Limit is GRANTED. WWE is permitted to file a 12-page Reply in Support of Motion for Summary Judgment on the grounds of judicial estoppel and a 16-page Reply in Support of Motion for Summary Judgment on the trademark issues.

SO ORDERED, this ___ day of _____, 2004.

The Honorable Clarence Cooper
Judge, United States District Court
Northern District of Georgia, Atlanta Division

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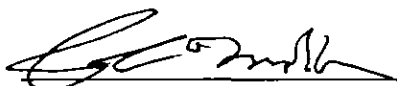
Civil Action No. 1 02-CV-1008

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of March, 2004, I served opposing counsel with the foregoing *Motion to Exceed 15-Page Limit* by hand delivery to the following address:

Joel D. Myers, Esquire
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This the 15th day of March, 2004.


Attorneys for Defendant
World Wrestling Entertainment, Inc.